



STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH DIVISION
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE
NOTICE OF DENIAL

☐ Health Facilities/Lab Services
1550 College Parkway
Suite 158
Carson City, Nevada 89706
(775) 687-4475
Fax: (775) 687-6588

☐ Health Facilities/Lab Services
4220 S. Maryland Parkway
Suite 810, Building D
Las Vegas, Nevada 89119
(702) 486-6515
Fax: (702) 486-6520

☐ Radiological Health
4150 Technology Way
Suite 300
Carson City, Nevada 89706
(775) 687-7550
Fax: (775) 687-7552

☐ Radiological Health
2080 E. Flamingo
Suite 319
Las Vegas, Nevada 89119
(702) 486-5280
Fax: (702) 486-5024

HAND DELIVERY

August 31, 2010

William Alston, OWNER
Alston's Care Home
1509 Antler Creek Street
Las Vegas, NV 89084

YOU ARE HEREBY NOTIFIED that the HEALTH DIVISION intends to deny your Home for Individual Residential Care (HIRC) application for Alston's Care Home effective eleven working days after your receipt of this notice.

Statutory or Regulatory Authority

The Health Division is denying your application in accordance with Nevada Administrative Code (NAC) 449.0118(4) and (8). NAC 449.0118(4) and (8) authorizes the Health Division to deny an application for abuse, neglect or exploitation of an infirm, mentally retarded or disabled person and for accepting for care, at any given time, more residents than the number specified in a license.

Facts Supporting the Denial

In a Court order filed November 2, 2009, you were permanently enjoined from operating or maintaining a residential facility for groups. The Bureau conducted an unlicensed facility investigation at 1509 Antler Creek Street on 6/1/10 and it was determined you were again operating an unlicensed AGC with five residents. Your wife admitted that the facility was providing food, shelter, assistance and limited supervision to these residents. One of your residents drowned in your pool as a result of neglect and inadequate supervision.

On 7/26/10, you submitted an application to operate a HIRC at the 1509 Antler Creek location. Based on the neglect of the resident that resulted in death and the operation of a facility with five residents without a license to do so and in violation of a court order, the Health Division is denying this application.

Notice of Right to Appeal

NRS 449.170(2) affords the facility the right to contest the action of the Health Division. If you wish to oppose this action, you must send a written appeal to Richard Whitley, MS, Health Division Administrator, 4150 Technology Way, Suite 300, Carson City, Nevada 89706. You can fax your written appeal to (775) 684-4211.

In order for you to receive a hearing, the Administrator must receive this written appeal by 5:00 pm on the 10th working day after you received this notice. The local Bureau of Health Care Quality and Compliance office cannot accept your appeal. Your written appeal must specify: a) The action to be contested; b) The name of the division officer or employee who signed this notice; c) The reasons that the appellant believes the action is incorrect; and d) Whether or not the appellant is seeking an informal internal resolution prior to the formal appeal process.

You are entitled to be represented by counsel at your own expense in these proceedings. If you retain an attorney, your counsel must notify the Administrator of his or her representation of you.

Effective Date of Action

If you submit a timely request for appeal, the effective date of the action will be stayed, pending the hearing on appeal. If you do not request a hearing within the next ten working days, you will waive your rights to a hearing and the action will be imposed as of the 11th working day after you receive this notice. If you have any questions about this notice or the contents therein, please call me at 775-687-4475.

Sincerely,

A handwritten signature in blue ink that reads "Patricia Chambers, RN, HFS III". The signature is fluid and cursive, with the first name "Patricia" being the most prominent part.

Patricia Chambers, RN, HFS III
For Wendy Simons, Bureau Chief